

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA**

REBEKAH BURROUGHS, individually
as Widow and as the Personal
Representative of THE ESTATE OF
TODD BRENT BURROUGHS,
Deceased, D. B., and her Guardian Ad
Litem, Donald R. Vaughn, and C. B.
through his Guardian Ad Litem, Morgan
Davis,

Plaintiffs,

v.

THE COUNTY OF ROCKINGHAM,
SAMUEL S. PAGE, in his individual
capacity and official capacity as Sheriff
of Rockingham County, FRANK L.
MARTIN, in his individual capacity and
official capacity as a Deputy with the
Rockingham County Sheriff's
Department, and CHASE M. MYERS, in
his individual capacity and official
capacity as a Deputy with the
Rockingham County Sheriff's
Department,

Defendants.

Case No.: 1:17-cv-463

**NOTICE OF REMOVAL OF CIVIL ACTION
PURSUANT TO 28 U.S.C. § 1441**

TO THE HONORABLE JUDGES OF THE UNITED STATES DISTRICT
COURT FOR THE MIDDLE DISTRICT OF NORTH CAROLINA:

The Defendants, THE COUNTY OF ROCKINGHAM, SAMUEL S. PAGE, FRANK L. MARTIN, and CHASE M. MYERS, file this timely Notice of Removal of Civil Action Number 17 CVS 485 from the Superior Court of Rockingham County, North Carolina to the United States District Court for the Middle District of North Carolina, pursuant to 28 U.S.C. § 1331 and 28 U.S.C. § 1441(a) and respectfully show unto the Court as follows:

1. The Defendants, The County of Rockingham, Samuel S. Page, Frank L. Martin, and Chase M. Myers, are Defendants in a civil action pending in the Superior Court of Rockingham County, North Carolina captioned: *Rebekah Burroughs, individually as Widow and as the Personal Representative of The Estate of Todd Brent Burroughs, Deceased, D. B., and her Guardian Ad Litem, Donald R. Vaughn, and C. B. through his Guardian Ad Litem, Morgan Davis v. The County of Rockingham, Samuel S. Page, in his individual capacity and official capacity as Sheriff of Rockingham County, Rank L. Martin, in his individual capacity and official capacity as a Deputy with the Rockingham County Sheriff's Department, and Chase M. Myers, in his individual capacity and official capacity as a Deputy with the Rockingham County Sheriff's Department*; Civil Case No. 17 CVS 485.

2. Copies of all process, pleadings and Orders served on these Defendants are attached hereto as Exhibits A, B, C, D, E, F, and G (with redactions made pursuant to Rule 5.2 of the Federal Rules of Civil Procedure).

3. This action was commenced by the Plaintiffs on March 29, 2017 by the filing of a Complaint with a jury demand in the Superior Court of Rockingham County, North Carolina.

4. The Defendant, The County of Rockingham, was served by certified mail on or about April 28, 2017.

5. The Defendant, Samuel S. Page, was served by certified mail on or about May 9, 2017.

6. The Defendant, Frank L. Martin, was served by certified mail on or about May 2, 2017.

7. The Defendant, Chase M. Myers, was served by certified mail on or about May 2, 2017.

8. This cause of action arose in Rockingham County, North Carolina.

9. This Notice of Removal is being filed by these Defendants within thirty (30) days following service of the Complaint.

10. The controversy in this civil action is centered around alleged violations of constitutional rights and 42 U.S.C. § 1983.

11. This civil action is one of which the District Court of the United States has original jurisdiction pursuant to 28 U.S.C. § 1331 and is one that may be removed to this Court pursuant to 28 U.S.C. § 1441 and 1446, *et seq.*

WHEREFORE, the Defendants, The County of Rockingham, Samuel S. Page, Frank L. Martin, and Chase M. Myers, respectfully pray that the above captioned action

now pending against them bearing civil action number 17 CVS 485 in the Superior Court of Rockingham County, North Carolina proceed in this Court as an action properly removed thereto.

This the 19th day of May, 2017.

/s/ H. Lee Davis Jr.
N.C. State Bar No.: 7683
Attorney for Defendants
DAVIS & HAMRICK, L.L.P.
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/s/ Ann C. Rowe
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CERTIFICATE OF SERVICE

I hereby certify that on May 19, 2017, I electronically filed on behalf of the Defendants, The County of Rockingham, Samuel S. Page, Frank L. Martin, and Chase M. Myers, the foregoing **Notice of Removal of Civil Action Pursuant to 28 U.S.C. § 1441** with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following persons. Further, this certifies that I electronically served the following persons. Further, this certifies that the foregoing **Notice of Removal of Civil Action Pursuant to 28 U.S.C. § 1441** was served by placing said copy in a postpaid envelope addressed to the person hereinafter named, at the place and address stated below, which is the last known address and by depositing said envelope and its contents in the United States Mail:

ADDRESSEE:

Via E-mail: bibbslawgroup@gmail.com

Mark L. Bibbs
BIBBS LAW GROUP
410 N. Boylan Avenue
Raleigh, North Carolina 27603
Attorney for Plaintiffs

This the 19th day of May, 2017.

/s/ Ann C. Rowe
Attorney for Defendants
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